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Attorney Docket No. FED0013  
(71024-582)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: 10/035,047

Confirmation No: 3243

Filing Date : December 27, 2001

Examiner: Matthew O. Savage

Group Art Unit: 1723

Title: FUEL PUMP/FILTER INTEGRATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF RICHARD HARVEY**

I, Richard Harvey, declare as follows in support of the conception of this invention prior to May 10, 2000 and in support of the applicant's commercially reasonable diligence prior to May 10, 2000 until the constructive reduction to practice of this invention:

1. I am the Technical Director for the Fuel Systems Group of Federal-Mogul Corporation. I have held this position continuously since 1996.
2. My responsibilities as Technical Director included the supervising management of David E. Winn and Larry J. Tipton, both former employees of Federal-Mogul Corporation and inventors of the subject patent application.
3. My responsibilities also included, and still include, oversight of all patent matters for the Fuel Systems Group of Federal-Mogul.
4. The subject invention was first made know to me on or about January 8, 1999 when Mr. Winn reported his discovery of the subject invention.
5. Consistent with company policy, I instructed Mr. Winn to complete an Invention Disclosure Form, which he did immediately. A copy of Mr. Winn's Invention Disclosure Form is attached as **Exhibit A**, and includes a dated drawing of the invention.
6. Subsequent improvements to the invention were made by Mr. Tipton, which have been incorporated into the claimed subject matter. As a result, Mr. Tipton is also an inventor of the subject patent application.
7. Following company procedures, the Invention Disclosure Form (Exhibit A) was forwarded to Federal-Mogul's Corporate Legal Department, where an official file was created and the matter placed on the docket of the company's in-house Patent Counsel.
8. On March 12, 1999, the Legal Department held a Patent Review meeting with the Fuel Systems Group, at which time this invention was reviewed to determine whether protective

Richard Harvey Declaration  
Page 2 of 3

action should be taken in view of the company's strategic business objectives, the technical condition of the invention, the potential for commercializing the invention, and other significant considerations. A decision was made to defer patent-legal action for approximately 2 months, while further technical reviews and commercial evaluations were made.

9. On May 14, 1999, the Legal Department held a Patent Review meeting with the Fuel Systems Group, at which time this invention was again reviewed to determine whether to take protective action. A decision was made to defer patent-legal action for approximately 8 months, while further technical reviews and commercial evaluations were made.

10. On January 14, 2000, the Legal Department held a Patent Review meeting with the Fuel Systems Group, at which time this invention was again reviewed to determine whether to take protective action. A decision was made to defer patent-legal action for approximately 3 months, while further technical reviews and commercial evaluations were made.

11. On April 27, 2000, the Legal Department held a Patent Review meeting with the Fuel Systems Group, at which time this invention was again reviewed to determine whether to take protective action. A decision was made to conduct a patentability search. The same day, attorney Anthony Niewyk was verbally instructed to conduct a patentability search for this invention, which instructions were commemorated in a letter from the Federal-Mogul in-house Patent Counsel dated April 28, 2000, as shown in the attached **Exhibit B**.

12. On July 28, 2000, the Legal Department held a Patent Review meeting with the Fuel Systems Group, at which time this invention was reviewed against the results of the patentability search. A decision was made to file a patent application. The same day, attorney Anthony Niewyk was verbally instructed to file a patent application for this invention, which instructions were commemorated in a letter from the Federal-Mogul in-house Patent Counsel dated September 13, 2000, as shown in the attached **Exhibit C**.

13. Sometime prior to July 28, 2000, Mr. Winn left the employment of Federal-Mogul Corporation.

14. A first draft of the patent application for the subject invention was sent to inventor Mr. Tipton on January 22, 2001, as shown in a letter from the office of attorney Anthony Niewyk attached here as **Exhibit D**.

15. Shortly after January 22, 2001, Mr. Tipton left the employment of Federal-Mogul Corporation.

16. On information and belief, Attorney Anthony Niewyk spent considerable time and effort in continuous attempts to communicate with Mr. Winn and Mr. Tipton in connection with the text approval of this patent application, and in signing the Declaration and Power of Attorney documents.

17. On information and belief, Attorney Anthony Niewyk obtained the text approval and signed Declaration and Power of Attorney from Mr. Winn on December 17, 2001, and the same from Mr. Tipton on October 18, 2001.

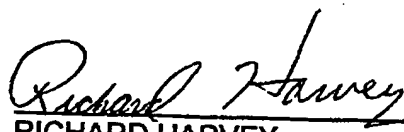
18. This patent application was then promptly filed, and the invention constructively reduced to practice on, December 27, 2001.

Richard Harvey Declaration  
Page 3 of 3

19. It is respectfully submitted that, in view of the facts as presented above, Federal-Mogul Corporation has acted with all commercially reasonable diligence to constructively reduce this invention to practice from a date prior to May 10, 2000.

20. I declare that all statements made here of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the if the application or any patent issuing thereon.

Dated: 5/17/04

  
RICHARD HARVEY

## INVENTION DISCLOSURE FORM

### Instructions For Completing Invention Disclosure Form

1. Complete this form as soon as possible after you have thought of the invention.
2. Attach any drawings to the form. If no drawings exist, please prepare a sketch of the invention and attach the sketch to this form.
3. This form should be signed and dated by each inventor and then witnessed. The witness should not be a co-inventor of this invention.
4. When completed, return this form to Patent Counsel's office (address on Page 4).

### Application/Invention Information

#### A. COVER INFORMATION

On the cover of this form, please print a descriptive name for this invention (e.g., Pinion Seal With Notched Lip), and mark your group in the space provided. An ID number will be assigned by Patent Counsel upon receipt.

#### B. BACKGROUND

1. The date you (or any co-inventors) first thought of this invention: December 22, 1998
2. The date a drawing and/or written description of this invention was first prepared, e.g., in a report or other document: January 8, 1999
3. Have you (or any co-inventors) explained details of this invention to anyone? If so, when and to whom? No
4. Has a sample or prototype of the invention been made? If so, who made it, how and when was it made? No
5. Is there an intended customer or application for this invention? If so, please describe: Parker Hannifin Corporation, Racar Division
6. Has the invention been offered for sale or sold? If so, when and to whom? No
7. Has the invention been released for production? If not, when is it expected to be released? Unknown

## INVENTION DISCLOSURE FORM

### C. THE INVENTION

1. Discuss any problems this invention may solve, or advantages this invention may have over prior products or processes: This invention solves the problem of the lift pump operating with no filter in the housing
2. Describe the features of this invention that solve the problems or provide the advantages identified above: Instead of a negative terminal, the lift pump is grounded to the outer housing. The filter housing contains a spring clip that is grounded. When the filter is locked into the filter housing the spring clip is pressed against the pump's outer housing. Only when this happens will the pump operate.
3. Describe the main components of this invention, preferably with reference to an attached drawing(s). Discuss how the various components interact to achieve the purpose of the invention: The main features are a lift pump that is grounded to its outer housing and a grounded spring clip in the filter housing.
4. Identify the closest prior products or processes of which you are aware: Stanley, Knaus, and Fleetguard.
5. Describe the significant differences between this invention and products or processes identified above: The unique features are that the pump cannot operate without a filter and that this is achieved without using additional valves.

## INVENTION DISCLOSURE FORM

### Applicant/Inventor Information

1<sup>st</sup> (or sole) Inventor Full Name: David Ernest Wian  
Citizenship: USA  
Home Address: 8015 N. 65th W  
City/State/Zipcode: Royal Center, IN 46975  
Work Phone: 219-735-8246 Fax: 219-735-0242 Email: Dwian@Pmc.com  
Signature: [Signature] Date: 1/8/99

2<sup>nd</sup> (if any) Inventor Full Name: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
City/State/Zipcode: \_\_\_\_\_  
Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3<sup>rd</sup> (if any) Inventor Full Name: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
City/State/Zipcode: \_\_\_\_\_  
Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*\*Record additional co-inventors on a separate sheet and attach to this form\**

**THIS INVENTION HAS BEEN EXPLAINED TO ME AND UNDERSTOOD:**

Witness Signature: [Signature] Date: 1-8-99  
Printed Name: LARRY D. TIPTON

### Returning Disclosure Form

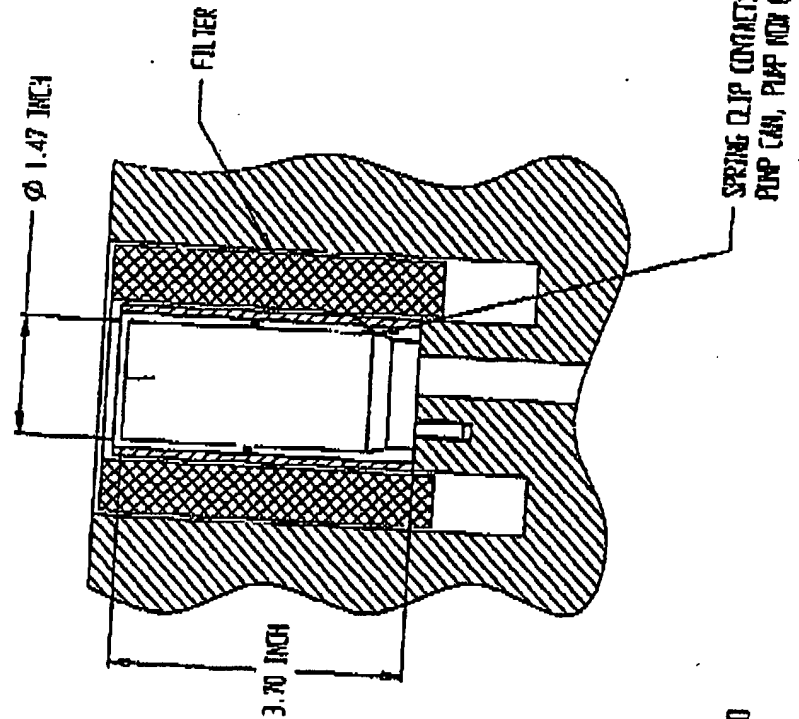
Return original to: Patent Counsel  
Federal-Mogul Corporation  
26555 Northwestern Highway  
Southfield, Michigan 48034

Retain a copy of the completed form for your records. If receipt is not confirmed within two (2) weeks of submission, please contact the Patent Counsel's office at (248) 354-9439 or (248) 354-9927.

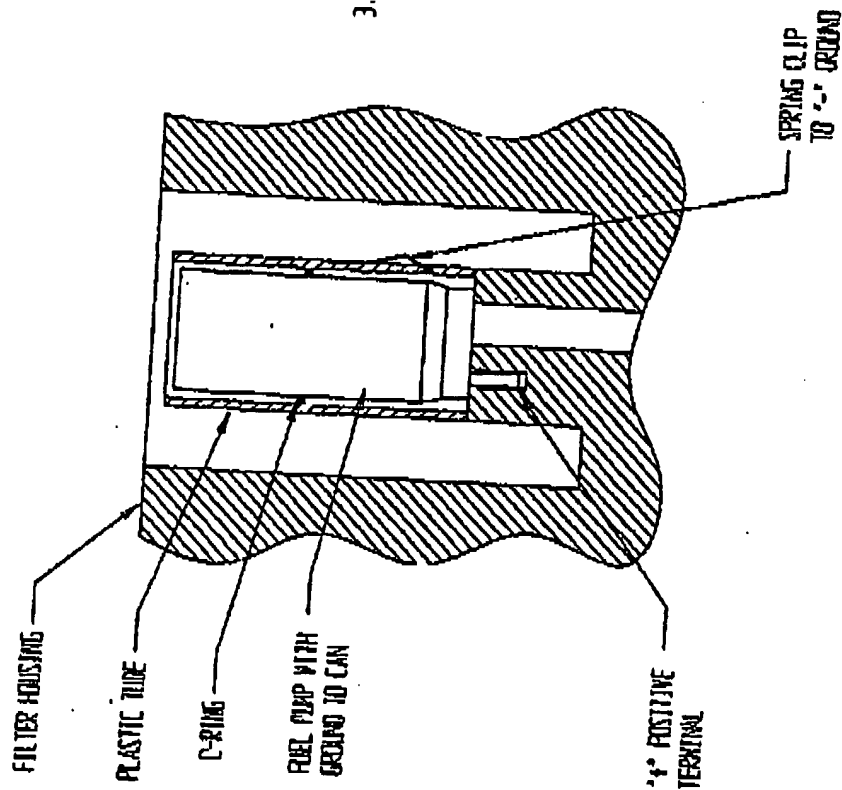
# FUEL PUMP/FILTER INTEGRATION

1/8/99  
*[Signature]*

WITH FILTER



WITHOUT FILTER







TELEFAX 219-460-1727

Jon E. Shackelford  
Patent Counsel

April 28, 2000

Anthony Niewyk, Esq.  
Baker & Daniels  
111 East Wayne Street  
Suite 800  
Fort Wayne, IN 46802

RE: Patentability Opinion

Dear Tony:

We request your assistance in conducting a patent search in connection with the below invention disclosure (copy enclosed). Please provide your patentability opinion to the Fuel Patent Team - with a copy to me.

- Fuel ID-404 FUEL PUMP-FILTER INTEGRATION

If you have any questions, please call.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jon E. Shackelford', with a long horizontal flourish extending to the right.

Jon E. Shackelford  
Enclosure

*call inventor  
w/ Co.*

**Group:**

- ☐ Chassis Products
- ☐ Engine/Transmission Products
- ☒ Fuel Products
- ☐ Lighting Products
- ☐ Piston Products
- ☐ Sealing Products
- ☐ Other \_\_\_\_\_



# INVENTION DISCLOSURE FORM

*Fuel* ID No: 404

*Fuel Pump / Filter Integration*

(Descriptive Name)

## INVENTION DISCLOSURE FORM

### Instructions For Completing Invention Disclosure Form

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4. Has a sample or prototype of the invention been made? If so, who made it, how and when was it made? No
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4. Identify the closest prior products or processes of which you are aware: Stanbyc, Klorox, and Electroguard.
5. Describe the significant differences between this invention and products or processes identified above: The unique features are that the pump cannot operate without a filter and that this is achieved without using addition valves.

**INVENTION DISCLOSURE FORM****Applicant/Inventor Information**

1<sup>st</sup> (or sole) Inventor Full Name: David Ernest Wynn  
 Citizenship: USA  
 Home Address: 8015 N. 65th W  
 City/State/Zipcode: Royal Center, IN 46975  
 Work Phone: 219-735-4242 Fax: 219-735-0242 Email: DWynn@Pmc.com  
 Signature: [Signature] Date: 1/8/99

2<sup>nd</sup> (if any) Inventor Full Name: \_\_\_\_\_  
 Citizenship: \_\_\_\_\_  
 Home Address: \_\_\_\_\_  
 City/State/Zipcode: \_\_\_\_\_  
 Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3<sup>rd</sup> (if any) Inventor Full Name: \_\_\_\_\_  
 Citizenship: \_\_\_\_\_  
 Home Address: \_\_\_\_\_  
 City/State/Zipcode: \_\_\_\_\_  
 Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*\*Record additional co-inventors on a separate sheet and attach to this form\**

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 Printed Name: LARRY O. TIPTON

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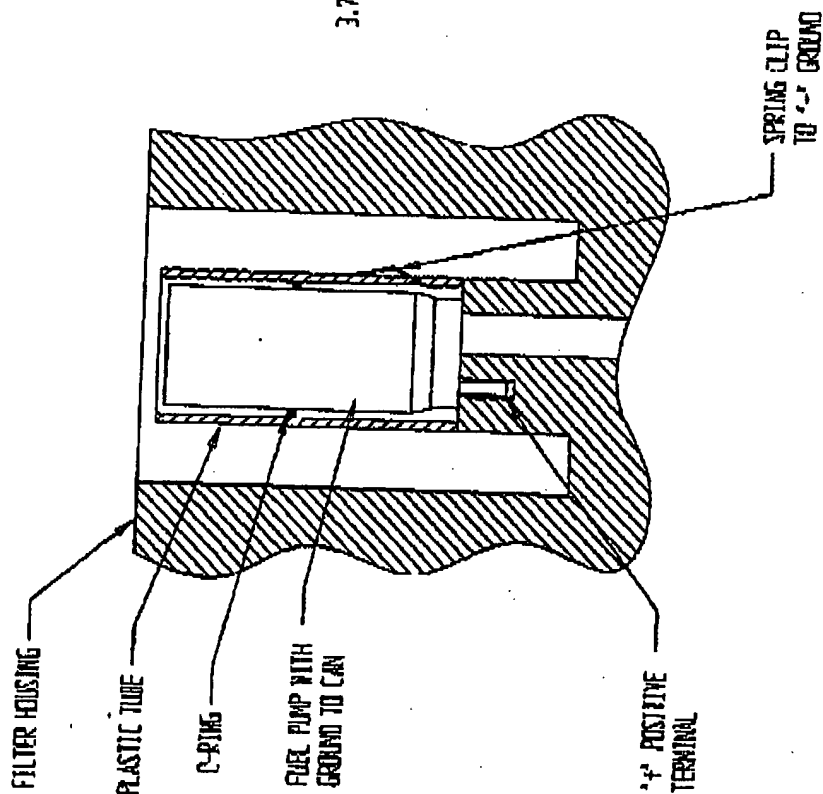
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Retain a copy of the completed form for your records. If receipt is not confirmed within two (2) weeks of submission, please contact the Patent Counsel's office at (248) 354-9439 or (248) 354-9927.

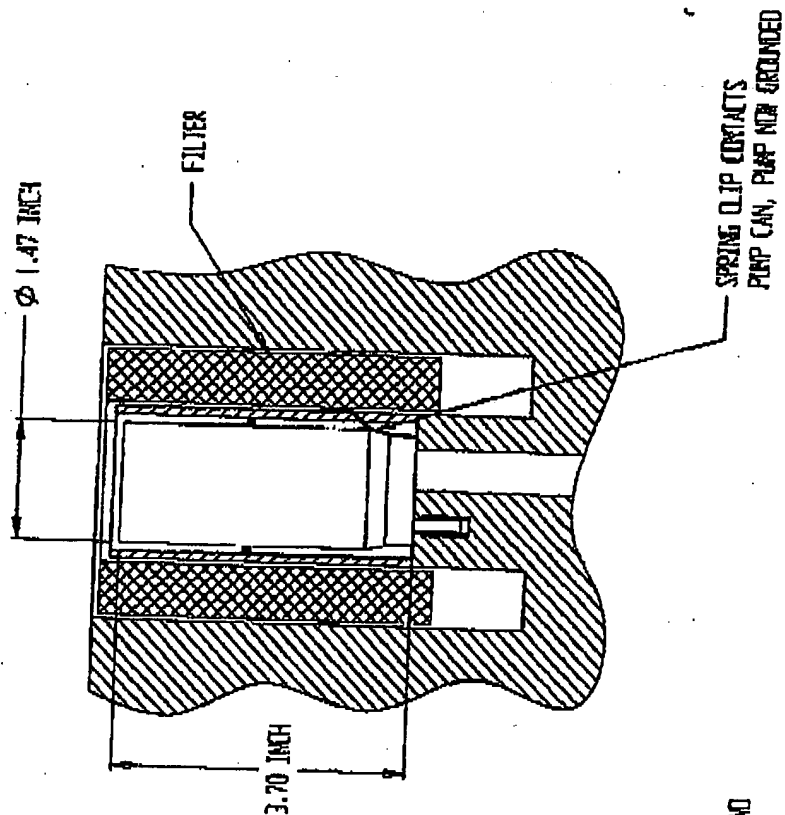
# FUEL PUMP/FILTER INTEGRATION

1/8/99  
*[Signature]*

WITHOUT FILTER



WITH FILTER





RECEIVED

SEP 18 2000

BAKER & DANIELS

September 13, 2000

Anthony Niewyk, Esq.  
Baker & Daniels  
111 East Wayne Street, Suite 800  
Fort Wayne, IN 46802

RE: U.S. Patent Application  
**FUEL PUMP-FILTER INTEGRATION**  
Our Ref. Fuel-30101 (Former Ref. Fuel ID-404)  
Your Ref. FED0013

Dear Tony:

Please prepare a patent application for filing in connection with the above-referenced invention.

Once the application has been approved by the inventor and Federal-Mogul's Patent Counsel, you will be responsible for filing and docketing this application, including preparing and filing all associated legal documentation, prosecuting the application, and any and all corresponding foreign patent applications, unless otherwise agreed.

Federal-Mogul wishes to receive and pay only one invoice for the preparation of this application. Therefore, upon delivery of the completed patent application, please submit a single itemized invoice for your services, plus incurred expenses.

The inventor's name and phone number is listed below. Please contact him directly regarding technical questions.

Inventor: David E. Winn (Logansport, IN) @219-735-0263 / Fax 219-735-0242

Very truly yours,

A handwritten signature in cursive script that reads 'Jmarasco'.

Jacqueline Marasco  
IP Assistant

MAY-17-2004 12:30  
MAY-17-2004 12:27

Howard and Howard  
HOWARD&HOWARD

248 645 1568 P.18/19  
7347615957 P.18

# BAKER & DANIELS

EST. 1863

111 E. WAYNE STREET, SUITE 800 • FORT WAYNE, INDIANA 46802 • (219) 424-8000 • FAX (219) 460-1700 • [www.bakerdaniels.com](http://www.bakerdaniels.com)

MICHAEL D. SCHWARTZ  
DIRECT (219) 460-1768  
e-mail: [mdschwar@bakerd.com](mailto:mdschwar@bakerd.com)

January 22, 2001

INDIANAPOLIS  
FORT WAYNE  
SOUTH BEND  
ELKHART  
WASHINGTON, D.C.  
QINGDAO, P.R. CHINA

Mr. Larry J. Tipton  
Federal-Mogul Corporation  
91 Industrial Blvd.  
Logansport, IN 46947

Re: New U.S. Patent Application  
Title: FUEL PUMP/FILTER INTEGRATION  
Our ref.: FED0013

Dear Larry:

Enclosed herewith please find a draft version of the above-identified patent application including specification, claims, abstract, and drawings.

Please review the application to ensure that it adequately and accurately describes and illustrates the invention. While the description and drawings embody our understanding of the invention and its mode of operation based on the information you provided to us, the inventors have the ultimate responsibility to ensure that the disclosure of the invention in a patent application is complete and correct. Thus, if any part of the application is incorrect or should be amplified, please note any necessary changes and give me a call so that we may discuss them.

Please keep the following points in mind as you review the application:

1. The information in the application must be technically correct.
2. The information in the application must be of sufficient detail to allow a person of ordinary skill in the art to make and use the invention.
3. The patent application must set forth the best mode you now, in your subjective view as the inventor, contemplate for making and using the invention. In other words, if there are any details that have not been disclosed that would help another person use the invention more effectively, those details should be disclosed in the application.
4. The patent application must identify any limitations that are critical to the operability of the invention.



Mr. Larry J. Tipton  
January 22, 2001  
Page 2

5. You should consider any other aspects of the invention that should be added.
6. Inventorship must be correctly identified. The full name, including middle initial, of any joint inventors must be listed in the patent application.
7. The most relevant references in the prior art (what appeared in patents or other publications or was publically known before your invention) known to you must be disclosed either in the application itself or provided to the patent examiner in an Information Disclosure Statement. Also, any offer for sale, sale, or public use of a device or method similar to the invention would be considered prior art if it occurred more than one year before the filing date of the patent application and must, similarly, be disclosed.

Please contact me after you have completed your review and I will thereafter make any necessary changes and forward a finalized version of the patent application including formal papers for execution so that we may file this patent application in the U.S.P.T.O. Please note that I contacted David Winn today and will forward the finalized application to him after you have completed this initial review.

If you have any questions concerning any of the above, please do not hesitate to contact me.

Very truly yours,

Michael D. Schwartz

MDS13/159609

Enclosure: draft patent application

c: A. Niewyk, Esq.  
J. Shackelford, Esq.